

Improvement Res. No. 1302- 1971

for the vacation of the second alley  
west of Wells St., from the south  
property line of Louisedale Drive  
to the south line of Louisedale  
Addition.

Resolution Adopted:

Apr. 22, 1971

Confirmed:

May 20, 1971

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Nov. 9, 1972

B.O. 131-'70

DECLARATORY RESOLUTION NO. 1302-1971

For the Vacation of the second alley west of Wells St.,  
from the south property line of Louisedale Drive to  
the south line of Louisedale Addition.

ADOPTED: April 22, 1971

ADVERTISE NOTICE TO PROPERTY OWNERS: April 29 & May 6, 1971

NOTICES MAILED: May 6, 1971

HEARING ON CONFIRMATION: Thurs., May 20, 1971 at 3:30 pm.

CONFIRMED: May 20, 1971

ASSESSMENT ROLL ORDERED: May 20, 1971

ASSESSMENT ROLL APPROVED: June 21, 1972

HEARING ON CONFIRMATION OF ASSM'T ROLL: July 13, 1972 at  
3:30 p.m.

NOTICE SERVED: June 30, 1972

ASSESSMENT ROLL CONFIRMED: Nov. 9, 1972

A.R. taken to Dept. of Finance --  
-- 11-10-72

Continued to Aug. 3,  
1972 at 3:30 p.m.

Continued to Sept. 14, 1972  
at 3:30 p.m.

Cont. to Oct. 5, 1972  
at 3:30 p.m.

Cont. to Nov. 9, 1972 at  
3:30 p.m.

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.

NOTE: The entire 12 foot wide vacated alley shall revert back to Lot No. 1, Louisedale Addition, because it was originally appropriated from said Louisedale Addition.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lot No. 1, Louisedale Addition and portions of Lot No. 4, Bayer's Acre Addition. Said additions are inclusive to the City of Fort Wayne, Indiana

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, ~~water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits~~


All Streets, lots and lands affected by the above described vacation are situated in the northwest quarter of Section Twenty-six, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

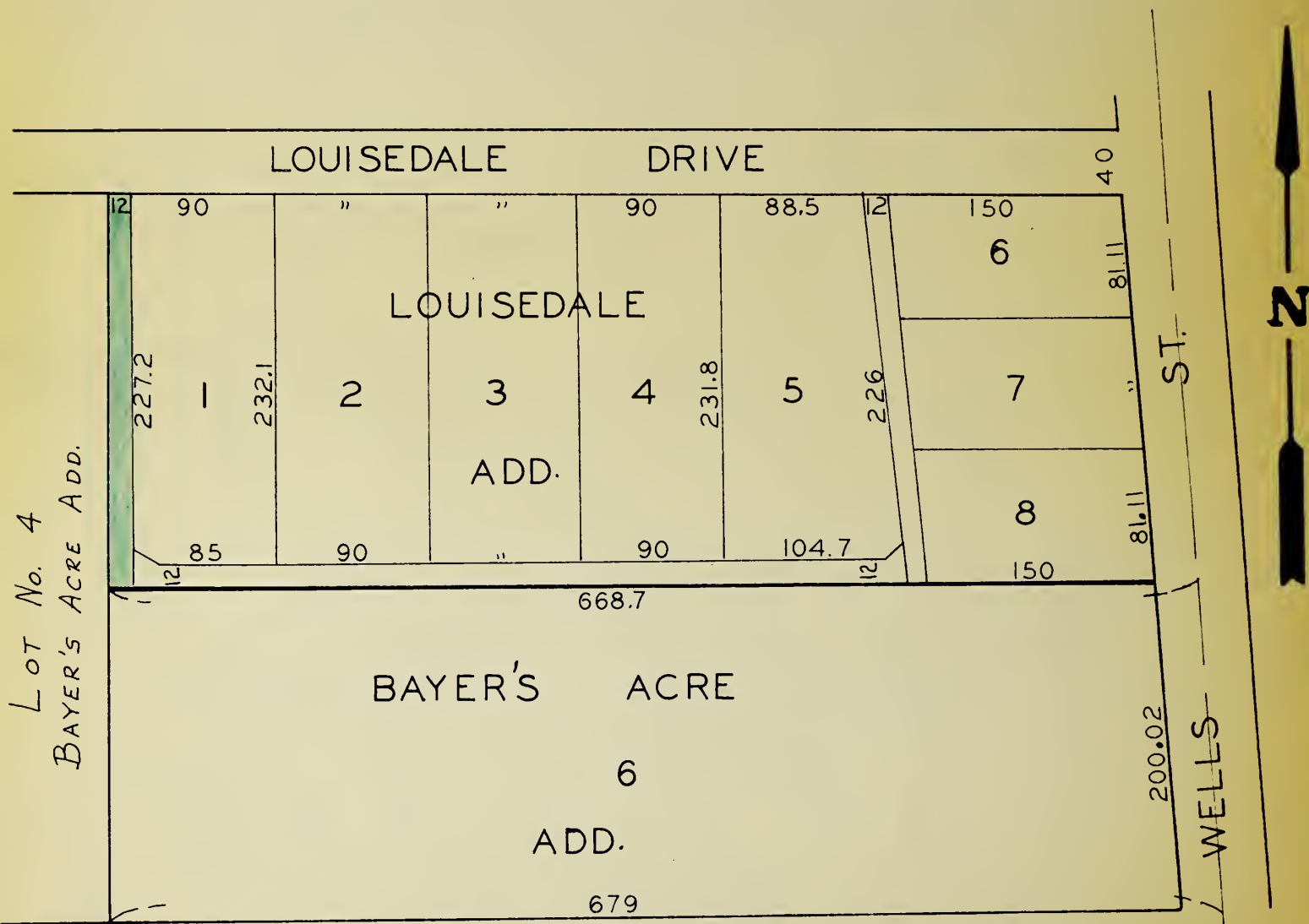
ADOPTED THIS 22 DAY OF April 19 71

Attest:

Secretary Board of Public Works.

Edward J. Elmer  
Board of Public Works.

ALLEYS TO BE VACATED 





OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

55-127-9

Date June 1, 1970

*4/22/71*

B.O.131-70

To City Engineer

Subject Vacation - second alley west of Wells St. etc.

Petition has been received to vacate the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman  
Robert W. Dahman  
George F. Gable  
BOARD OF PUBLIC WORKS

ic

Signed

Reply:

1302

April 20, 1971

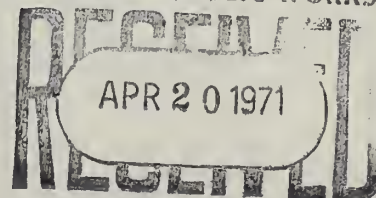
Declaratory Resolution, drawing and property ownership list completed and attached.

Indiana & Michigan Electric Co. and Sewer Engineering both require utility easements which the petitioner has consented to grant.

*Donald E. Bodeker*  
Donald E. Bodeker  
Office Manager

DEB:lc  
attachs.

BOARD OF PUBLIC WORKS



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

Thursday, October 5, 1972

Department of Public Works  
Office of the Board  
Room 910, City-County Building  
Regular meeting held at 3:30 p.m.

J. D. Boswell, R. L. Bonar, W. G. Williams  
Edna I. Smith, Clerk

## POSSIBLE ACTION:

1. Continued from September 14, 1972  
HEARING ON CONFIRMATION OF ASSESSMENT ROLL:

Declaratory Improvement Resolution No.  
1302-1972, for the vacation of the second  
alley west of Wells Street from the south  
property line of Louisedale Drive to  
the south line of Louisedale Addition.

CONFIRMED and ordered sent to the  
Department of Finance.

OR  
Ordered the Final Assessment Roll  
in accordance with the findings  
of the Board.

*continue 30 days*

*Continued to Nov. 9, 1972  
at 3:30 p.m.*

*Steve Powell*

*483-5734*

*623 Louisedale*

*Call above if for any  
reason meeting will  
be continued*

# City of Fort Wayne



Street  
ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING  
ONE MAIN STREET

Room 740

FORT WAYNE, INDIANA 46802

August 7, 1972

Mr. Charles Cogdell  
Livingston, Dildine, Haynie & Yoder  
425 Lincoln Bank Tower  
Fort Wayne, Indiana 46802

Subject: Vacation of Alley in Louisedale Addition Ref. No. 1302

Dear Mr. Cogdell:

In the public hearing held in the Board of Public Works office August 3, 1972 at 3:30 P.M., a property owner Mr. Duane L. Koch was present and made the following request on behalf of the people living on his property:

That a permanent 12 foot access easement along the east side of his property, the entire length of his lot or approximately 195 feet south of the centerline of Louisedale be granted by the Board of Works.

A survey by A. K. Hofer outlining Mr. Koch's property is enclosed.

The Board of Works concurred with this permanent easement request and ask that you prepare the necessary easement papers for Mr. Koch's acceptance. The hearing was continued to a tentative date of September 14, 1972 at 3:30 P.M.

Please have this easement problem resolved prior to this hearing.

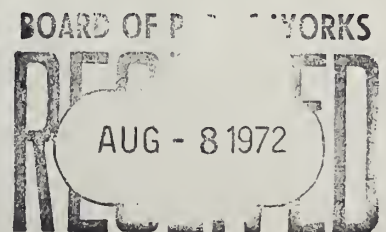
Yours truly,

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

KNT:id

attach.

cc: Board of Works ✓  
Duane L. Koch

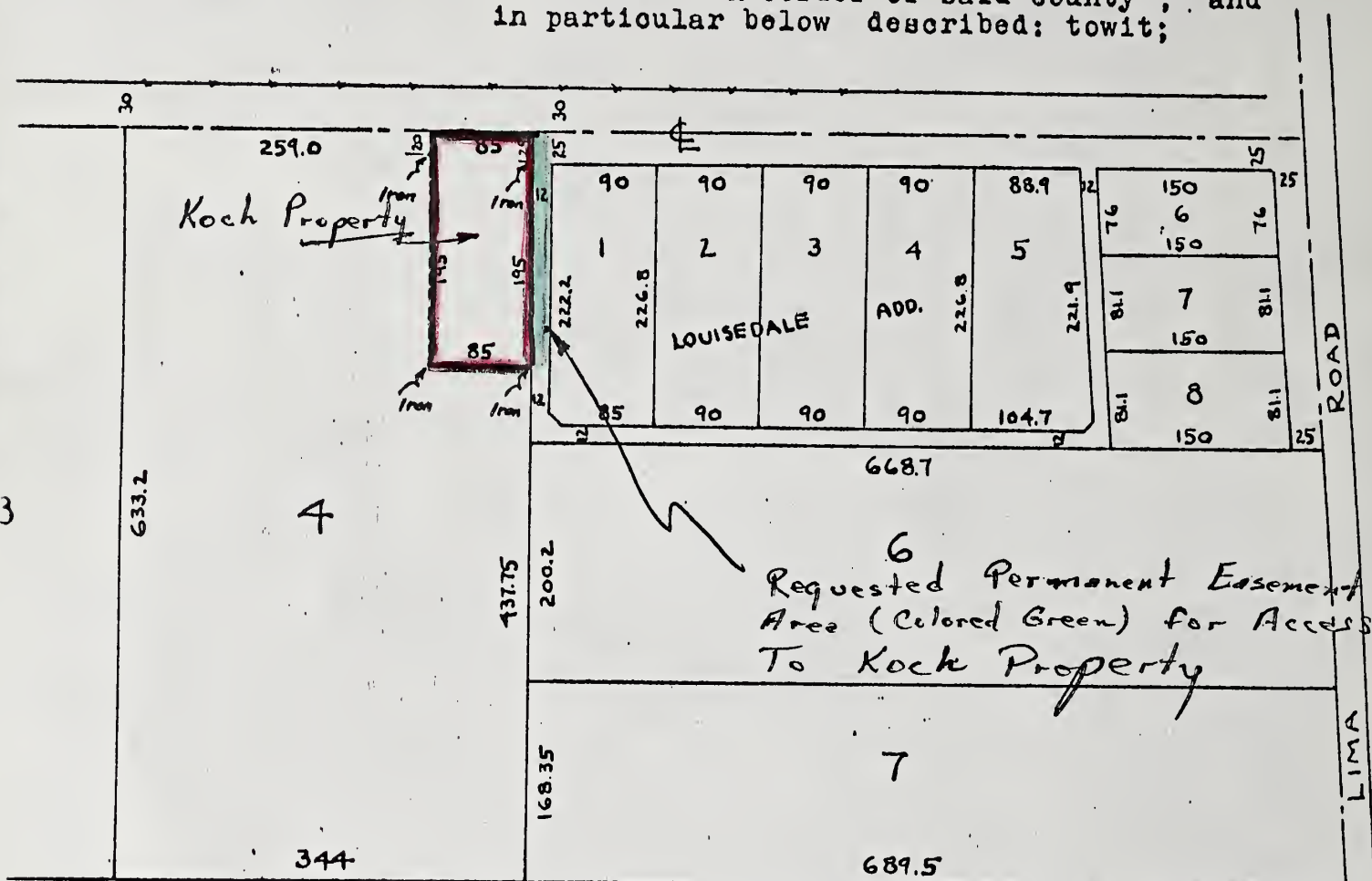




## NUMBER

Registered in Indiana  
No. 72

DESCRIPTION OF PROPERTY Lot No. PART of Lot 4 BAYER'S ACRE ADDITION, as  
recorded in Plat Book 7-A, p. 31, in  
the Office of Recorder of said county; and  
in particular below described: towit:



Commencing at the northeast corner of said lot ; thence south on the east line thereof , 195 feet ; thence west and parallel to the north line thereof , 85 feet ; thence north and parallel to the east line thereof , 195 feet ; thence east on the north line thereof , 85 feet to the point of beginning; subject to a public street upon and over the north 25 feet thereof;

val, this **7** day of **May**, 194**8**

akuten



LAW OFFICES

LIVINGSTON, DILDINE, HAYNIE & YODER  
LINCOLN TOWER

FORT WAYNE, INDIANA 46802  
July 31, 1972

VON E. LIVINGSTON  
THOMAS W. YODER  
WILLIAM P. FAGAN  
MILFORD M. MILLER, JR.  
NORMAN E. BAKER  
CHARLES R. COGDELL  
PHILIP L. CARSON  
LAWRENCE A. LEVY  
EDWARD L. MURPHY, JR.  
C. ERIK CHICKEDANTZ

WARD E. DILDINE (1970)  
GILMORE S. HAYNIE (1969)

AREA CODE 219  
TELEPHONE  
742-8341

Board of Public Works  
9th Floor  
City-County Bldg.  
Fort Wayne, Indiana 46802

Re: Vacation of Alley in  
Louisedale Addition  
Reference No. 1302

Gentlemen:

We have been advised that a hearing has been set on Tuesday, August 1, 1972, at 3:30 P.M., regarding the benefits and damages for the vacation of the above captioned alley. It is our understanding that a question has arisen with regard to the rights, if any, of Steven Powell in and to a portion of said alley.

Inasmuch as Mr. Richard E. Scheele is out of the country, we shall not be able to discuss this matter with him prior to said date. Consequently, we respectfully request that the said hearing be continued until September 1972.

Very truly yours,

LIVINGSTON, DILDINE, HAYNIE & YODER

By

  
Charles R. Cogdell

CRC:dd

cc: City Engineering

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 131-'70

Date 57-55-2  
May 20, 1971

To City Engineer

Subject Dec. Res. 1302-1971 Second alley west of Wells

Prepare Final Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman  
Robert W. Dahman  
Edward V. Elkins  
BOARD OF PUBLIC WORKS

br  
Encl. Res. & P.O.

NOTED

☐ J.D.B.  
☒ R.L.B.  
☒ W.G.W.  
Date \_\_\_\_\_

Signed \_\_\_\_\_

Reply:

June 19, 1972

Assessment roll of Benefits and Damages completed and attached.

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

KNT:lc  
attachs.

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

B.O. 131-'70

57-55-2  
May 20, 1971

City Engineer

Dec. Res. 1302-1971 Second alley west of Walls

Prepare Final Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman

Robert W. Dahman

Edward V. Elkins

---

BOARD OF PUBLIC WORKS

br

Encl. Res. & P.O.



55-127-9

June 1, 1970

B.O.131-70

City Engineer

Vacation - second alley west of Wells St. etc.

Petition has been received to vacate the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman

Robert W. Dalman

George F. Gable

BOARD OF PUBLIC WORKS

ic

ENGINEERING  
DEPT. OF STREETS

55-127-8  
55-127-9  
55-127-10

DATE May 27, 1970

NOTED

TO: Board of Public Works

☒ F.S.E.  
☒ R.W.D.  
☐ G.F.G.

SUBJECT:

Date

Please send board orders for the following:

- 130 For the vacation of the first alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.
- 131 For the vacation of the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.
- 132 For the vacation of the first alley south of Louisedale Drive from the west property line of the first alley west of Wells Street to the east property line of the second alley west of Wells Street.

*DEB*  
Donald E. Bodeker  
Office Manager

DEB:lc

BOARD OF PUBLIC WORKS  
RECEIVED  
MAY 28 1970

NOTICE TO PROPERTY OWNER

Office Board of Public Works

~~City Hall~~ City County Bldg.

Fort Wayne, Indiana.....May 6, 1971...

1302

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 1302-1971..... providing for the Vacation of the second alley west of Wells Street from the south property line of Louisedale Drive to the south line of Louisedale Addition.

The Board has fixed ..Thursday, May 20, 1971 at 3:30 pm in Conference Room. 926 a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

Louisedale Addition - Bayer's Acre Addition

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS



November 16, 1972

Mr. Charles R. Cogdell  
% Livingston, Dildine, Haynie & Yoder  
425 Lincoln Bank Tower  
Fort Wayne, Indiana 46802

Dear Sir:

Enclosed for your disposition is a copy of GRANT OF RIGHT  
OF WAY EASEMENT (in connection with Declaratory Resolution  
No. 1302-1971) which the Board of Public Works had recorded.

Yours truly,

J. D. BOSWELL  
R. L. BONAR  
W. G. WILLIAMS  
BOARD OF PUBLIC WORKS

ajf

enc.

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 131-70

Date November 10, 1972

To Mr. Ken Traylor, Street Engineer

Subject Resolution 1302-1972 - Vacation of Second Alley West of Wells Street

Attached is the executed Easement submitted to the Board in connection with the above Resolution.

Please record and return original for permanent filing.

Edna T. Smith  
Clerk  
Board of Public Works

:rs  
Attachment

RECEIVED

NOV 10 1972

CITY ENGINEERING DEPT.

Signed \_\_\_\_\_

Reply:

November 15, 1972

The attached original executed easement has been recorded in accordance with above instructions.

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

lc  
attach.

NOTED

- ☐ J.D.B.  
☐ R.L.B.  
☐ W.G.W.

Date \_\_\_\_\_

BOARD OF PUBLIC WORKS

NOV 15 1972

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



GRANT OF RIGHT OF WAY EASEMENT

THIS INDENTURE, made and entered into this 22<sup>nd</sup> day of October, 1972, by and between WILLIAM SCHEELE AND SONS COMPANY, INC., an Indiana corporation, (hereinafter called "Grantor"), and DUANE L. KOCH and PHYLLIS J KOCH, husband and wife (hereinafter called "Grantees"),

WITNESSETH:

WHEREAS, Grantor, by virtue of the adoption of Declaratory Resolution No. 1302-1971, by the Board of Public Works of the City of Fort Wayne, Indiana, became the owner of the following described real estate (hereinafter called the "Grantor's Real Estate") located in Allen County, Indiana, to-wit:

The vacated 12-foot alley lying immediately West of lot numbered 1 in Louisedale Addition and running from the South line of Louisedale Drive to the South line of Louisedale Addition, which is the North line of lot numbered 6 in Bayer's Acre Addition.

WHEREAS, Grantees are the owners of the following described real estate (hereinafter called the "Grantees' Real Estate") located in Allen County, Indiana, to-wit:

Part of Lot 4 Bayer's Acre Addition, as recorded in Plat Book 7-A, page 31, in the Office of Recorder of said county; and more particularly described as: Commencing at the northeast corner of said lot; thence south on the east line thereof, 195 feet; thence west and parallel to the north line thereof, 85 feet; thence north and parallel to the east line thereof, 195 feet; thence east on the north line thereof, 85 feet to the point of beginning; subject to a public street upon and over the north 25 feet thereof,

WHEREAS, Grantees are desirous of obtaining a grant of easement and right of way of passage on and over the Grantor's Real Estate for the benefit of the Grantees' Real Estate;

DULY ENTERED FOR TAXATION

NOV 13 1972

*Barth E. Raver*  
AUDITOR OF ALLEN COUNTY

1972 NOV 13 PM 1 21  
*Deane J. Puckett*  
ALLEN COUNTY RECORDER

Instrument F 8477

Will call - Map

5.50



NOW, THEREFORE, in consideration of the premises and One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby gives and grants, but without warranty, to the Grantees and their heirs, administrators, executors and assigns, a perpetual right of way and easement for the purpose of ingress to and egress from the Grantees' Real Estate only over and across the surface of the Grantor's Real Estate more particularly described as follows:

The North 170 feet of the Grantees'  
Real Estate

upon the following terms and conditions, all of which Grantee, by acceptance of this easement, covenants and agrees to perform and keep, namely:

1. All the costs and expenses of constructing, maintaining, repairing and improving said easement and right of way shall be borne solely by Grantees, and Grantor shall never be or become liable for such costs and expenses or any portion thereof. Grantees agree that all work upon or in connection with said easement and right of way shall be done at such times and in such a manner as not to interfere in any way whatsoever with the operations of Grantor.

2. Grantees assume all risk of injury that they or their agents, servants, employees, licensees, invitees, and parties using Grantor's Real Estate may sustain by reason of equipment, apparatus, structures, and property of Grantor and the use thereof by Grantor, and hereby releases Grantor from all liability therefor.

3. Grantees shall at all times, indemnify, protect, defend, and save harmless Grantor against any and all actions, suits, proceedings, losses, claims, demands, liabilities, damages, and expenses (including court costs and attorney's fees) which Grantor may incur or suffer on account of, arising out of, or incidental to some act or omission on the part of Grantees in connection with the existence or enjoyment of, or the exercise by, the Grantees, their agents, servants, employees, contractors, licensees, and invitees of, any or all of the rights, titles, interests, and privileges herein granted by the Grantor to Grantees, except where proximately caused by the negligence of the Grantor, its agents, servants, employees, contractors, and invitees.

4. If Grantees shall at any time abandon said easement and right of way and cease to use same for and during a period of one year, or if Grantees fail to employ this easement and right of way for the purpose for which it was granted, this easement and right of way shall terminate and all rights shall revert to Grantor as fully and completely as if this easement and right of way had never been granted.

5. This grant is made subject to all licenses, leases, easements, conditions, covenants, encumbrances, liens, rights of persons in possession and claims of title which may affect Grantor's Real Estate.

6. In the event Grantor shall successfully bring suit to compel performance of, or to recover for breach of, any covenant or condition hereunder, Grantees shall pay to Grantor reasonable attorney fees in addition to the amount of judgment and costs.

7. This indenture contains all the terms and conditions of this easement, express or implied, between the parties hereto and shall be binding upon and inure to the benefit of, Grantor and Grantees, and their respective representatives, successors, assigns, lessees, and licensees.

8. Grantor through its duly authorized officers, certifies under oath that no Indiana gross income tax is due or payable at this time in respect to the transfer made by this indenture.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this 22<sup>nd</sup> day of October, A.D. 1972.

WILLIAM SCHEELE AND SONS COMPANY, INC.

By Richard E. Scheele  
(Richard E. Scheele) Its President

ATTEST:

Marcella E. Scheele  
(Marcella E. Scheele) Its Secretary

Duane L. Koch  
(Duane L. Koch)


Phyllis J. Koch  
(PHYLLIS J. KOCH)



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Scheele and Marcella E. Scheele of WILLIAM SCHEELE AND SONS COMPANY, INC., an Indiana corporation, personally known to me to be such President and Secretary, respectively, and to be the persons who executed the foregoing instrument for and on behalf of the said William Scheele and Sons Company, Inc., and whose names are subscribed thereto, and acknowledged the execution of the above and foregoing instrument to be their free and voluntary act as such officers, respectively and the free and voluntary act of said William Scheele and Sons Company, Inc. for the uses and purposes therein set forth, and that the seal affixed to the foregoing instrument is the genuine corporate seal of said corporation, and who, having been duly sworn swear that the statements contained therein relating to Indiana gross income tax are true.

WITNESS my hand and official seal this 22nd day of October, 1972.

  
Beverly A. Haywood  
Notary Public

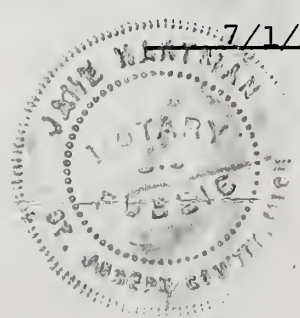
My Commission Expires:

February 10, 1974

MICHIGAN  
STATE OF ~~INDIANA~~ )  
ST. JOSEPH ) SS:  
COUNTY OF ~~ALLEN~~ )

Before me, a Notary Public in and for said County and State, personally appeared Duane L. Koch and PHYLLIS J. Koch husband and wife, and acknowledged the execution of the foregoing grant of right of way easement as their free and voluntary act and deed.

WITNESS my hand and official seal this 2nd day of October, 1972.

  
Jane Hartman  
Jane Hartman Notary Public  
St. Joseph County, Michigan

My Commission Expires:

7/1/73

THIS INSTRUMENT was prepared by CHARLES R. COGDELL of the law firm of Livingston, Dildine, Haynie & Yoder, 425 Lincoln Bank Tower, Fort Wayne, Indiana 46802.



B.O. 131-70

November 10, 1972

Mr. Ken Braylor, Street Engineer

Resolution 1302-1972 - Vacation of Second Alley West of Wells Street

Attached is the executed Easement submitted to the Board in connection with the above Resolution.

Please record and return original for permanent filing.

~~Edna I. Smith~~

Clerk

Board of Public Works

:rs

Attachment

B.O. 131-70

November 9 1972

59-43-2

STREET ENGINEERING DEPARTMENT

Dec. Res. No. 1302-1971 Vacation of alley west of Wells St.

Assessment Roll for subject resolution was confirmed  
and was sent to the Department of Finance.

J. D. Boswell

R. L. Bonar

W. G. Williams -

BOARD OF PUBLIC WORKS

ajf



LINE OF LOUISEDALE DRIVE TO THE SOUTH LINE OF LOUISEDALE ADDITION.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	TARDON, RAY F. & BLANCHE	617 Louisedale Drive S	1			LOUISEDALE ADDITION
2	WILLIAM SCHEELE & SONS CO., INC.	1207 N. Howard St. S	6			BAYER'S ACRE ADDITION
3	KOCH, DUANE L. & PHYLLIS	401 POETIC AVE. 79083 THREE RIVERS, WIS.	4-N. 1750' E. 85'			
4	JEFFRIES, WALTER & JEANNETTE	717 Louisedale Dr S	4-EK N1750' E 85' + EXCE 124'			
5			of W. 184' & N. 175'			
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61	NOTICES MAILED OR SERVED					
62	By <i>Joseph L. G. 14 9 10</i>					
63	By <i>Joseph L. G. 14 9 10</i>					
64						
65						
TOTAL						



ent Res. No. 1302- 1971

the vacation of the second alley  
of Wells St., from the south  
ty line of Louisedale Drive  
south line of Louisedale  
on.

Adopted:

Apr. 22, 1971

May 20, 1971

ved:

awarded:

nd Bond:

Completed:

t Roll Confirmed:

, 1972

1302-1971